

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JAMES SEABA and CORY PHILLIPS,

Plaintiffs,

v.

MESOSYSTEMS TECHNOLOGY, INC.,

Defendant.

FILED
02 JUL 22 PM 4:25

NO. CIV-02-0103 LH/WWD

JOINT MOTION TO SUSPEND DISCOVERY DEADLINES

The plaintiffs, JAMES SEABA and CORY PHILLIPS ("Plaintiffs") and the defendant MESOSYSTEMS TECHNOLOGY, INC., by and through their respective attorneys hereby move this Court jointly for a temporary suspension of certain discovery deadlines set forth in the Court's Initial Pretrial Report. In particular, the parties request that the following deadlines be suspended: 1) the termination deadline for discovery of October 7, 2002 for purposes of conducting depositions of witnesses; and 2) that the deadlines for identifying expert witnesses and providing expert reports for the plaintiffs on July 9, 2002 and the defendant on August 8, 2002.

As grounds for the motion, the parties point out that the defendant has not filed a responsive pleading to the complaint, due to the fact that its motion to dismiss or transfer for improper venue is pending and scheduled for hearing on September 4, 2002. Because the Court's ruling on that motion may dispose of the case or remove the case from this District, the parties are reluctant to expend time and resources until such time as a decision is made by the Court on the motion. In addition, it is difficult to ascertain the witnesses and experts that may be required in this matter until such time as the defendant files a responsive pleading.

WHEREFORE, the parties jointly request a suspension of the above mentioned deadlines, pending a decision by the Court on the defendant's motion to dismiss or transfer for improper venue.

DATED: 7/19/02.

Respectfully Submitted:

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By 

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